

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

4 RICHARD LEE SATERSTAD,) Case No. 2:16-cv-01947-APG-CWH
5 Plaintiff,)
6 v.)
7 DRUG ENFORCEMENT ADMINISTRATION,) **REPORT & RECOMMENDATIO**
8 Defendant.)
9)

On August 15, 2016, pro se Plaintiff Richard Lee Saterstad submitted a motion to proceed *in forma pauperis* (ECF No. 1) and a complaint (ECF No. 1-1). On September 7, 2017, this Court denied (ECF No. 7) Plaintiff's motion without prejudice, and gave Plaintiff a deadline of thirty days to either pay the filing fee or file a renewed application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The court may authorize the commencement of an action “without prepayment of fees and costs or security therefor, by a person who submits an affidavit that includes a statement of all assets” and that he is “unable to pay such fees or give security therefore.” 28 U.S.C. § 1915(a). Plaintiff was notified that failure to comply with the Court’s Order to pay the filing fee or submit a renewed application to proceed *in forma pauperis* would result in the Court recommending dismissal of the action.

21 More than thirty days have elapsed since the Court's Order and Plaintiff has not submitted
22 either a filing fee or a renewed application to proceed *in forma pauperis*.

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RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiff's case be dismissed without prejudice.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: October 11, 2017

C.W. Hoffman, Jr.
United States Magistrate Judge